No. 93-783

Supreme Court, U.S.
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In The

Supreme Court of the United States

October Term, 1993

EDWIN T. SHIMODA, *Administrator, Oahu Community Correctional Center,*

Petitioner,

vs.

RONALD S. BURGO, MELVIN KAUHANE, *Sergeant, Oahu Community Correctional Center,* and HAROLD FALK, *Director, Department of Corrections,*

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

RESPONSE OF RESPONDENT HAROLD FALK IN SUPPORT OF PETITIONER

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Pursuant to this Court's Rule 12.4, Respondent Harold Falk files this response in support of Petitioner. Mr. Falk, who at relevant times in this case was Director of the Department of Corrections, State of Hawaii, is named as a nominal respondent in this case. *See* Pet. at ii. Director Falk was originally named as a defendant in, and was dismissed by, the District Court pursuant to *Harlow v. Fitzgerald,* 457 U.S. 800 (1982), and its progeny. Respondent Falk had no standing to appeal the decision

of the District Court adverse to Petitioner Edwin T. Shimoda, Administrator, Oahu Community Correctional Center, and, therefore, no standing to file as a Petitioner in this case. Respondent Falk nonetheless fully supports the Petition for Certiorari, and requests that it be granted according to its terms. Director Falk's counsel, undersigned, received the Petition by mail on November 22, 1993, and, under this Court's Rule 12.4, this response in support of Petitioner is timely.

Dated: Honolulu, Hawaii, December 9, 1993.

Respectfully submitted,

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